

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTONIO ARANT,

Plaintiff,

v.

Dr. BUNNER, *et al.*,

Defendants.

Case No. C04-5663JKA

ORDER

This Civil Rights action is before the undersigned Magistrate Judge on consent pursuant to 28 U.S.C. § 636 (c)(1) (C). (Dkt. # 23). Before the court are plaintiff's motion for appointment of an expert to conduct a physical examination of the plaintiff at the court's cost and a motion for appointment of counsel. (Dkt. # 45 and 46). Defendants oppose the motions. (Dkt. # 47 and 48).

Mr. Arant is proceeding *in forma pauperis*. While plaintiff is proceeding in forma pauperis, this status does not waive the costs associated with litigation other than the filing fee. Plaintiff must pay for all other costs of litigation, including the cost of retaining an expert if he chooses to do so. Under Federal Rule of Evidence 706 the court may appoint a neutral expert at the court's discretion. Here, plaintiff is asking for an expert to contradict the expected testimony of medical personnel who examined plaintiff. Thus, plaintiff is not asking for a neutral expert, he is asking the court to pay for

1 his expert witness. The motion is **DENIED**.

2 This is plaintiff's third motion for appointment of counsel. (Dkt. # 22, 40, and 46). Plaintiff's
3 motion to appoint counsel is **DENIED** for the reasons mentioned in the previous orders. Plaintiff is
4 cautioned that repetitive motions may result in sanctions if the court determines the motions are
5 designed to harass or unnecessarily increase the cost of litigation.

6 The clerk is directed to send a copy of this order to plaintiff and counsel for defendant's.

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8 DATED this 30th day of August 2005

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10 /S/ J. Kelley Arnold
11 J Kelley Arnold
United States Magistrate Judge
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